

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2004, the foregoing Notice of Motion to Dismiss, the Consolidated Memorandum of Law in support thereof, and the Affidavit of Mitchell R. Berger (and accompanying Exhibits), were filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Ugo Colella

Ugo Colella